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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,282	11/26/2003	Thomas Wien	11286-01250	1147
7590	03/09/2005		EXAMINER	
Douglas N. Larson Squire, Sanders & Dempsey, L.L.P. 14th Floor 801 S. Figueroa Street Los Angeles, CA 90017			PURVIS, SUE A	
			ART UNIT	PAPER NUMBER
			1734	
				DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/724,282	WIEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sue A. Purvis	1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 Dec 2004 & 21 Dec 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 231-271 and 273-361 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 250-255,258-262,271,273-282 and 297-301 is/are allowed.
- 6) Claim(s) 231-244,246-249,263-270,283-296,302-345 and 351-361 is/are rejected.
- 7) Claim(s) 245,256,257,295 and 346-350 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 325-362 been renumbered 324-361. The examination below is based on the claims as renumbered by the examiner. When resubmitting the claims in response to this Office Action, the applicant should renumber the claims as indicated above.

### ***Allowable Subject Matter***

2. Upon further review of the application, including the original specification, the previous rejections made by the examiner, and the responses by the applicant, the examiner is withdrawing allowability of some of the claims. A detailed action follows.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 231-250, 256, 257, 263, and 291-296 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

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Regarding claim 231, the examiner was unable to ascertain where applicant is deriving support for the features claimed. In particular, the applicant claims "the engagement structure when in the operative position extending generally above the label support surface and *adapted to define a second effective diameter greater than that of the first effective diameter and adapted to center a second label having a wide central opening wider than the narrow central opening in a second label application position*" (emphasis added). The applicant suggests an engagement capable of handling different types of labels but the examiner was unable to find such a structure in the specification.

Regarding claims 232-234 and 291, these claims depend from claim 231.

Regarding claims 235 and 236, the examiner was unable to find support for "second circle" or "first circle" in the original specification. The only use of the word circle in the specification is in relation to Figures 116 & 118 and these do not seem to apply to these claims.

Regarding claims 248 and 249, applicant again presents the "second label having a wide central opening" which was presented in Claim 231. The examiner was unable to locate support for this claim and/or feature in the original specification.

Regarding claims 292-295, these claims depend from claim 248.

Regarding claims 256 and 257, these claims present "rims" on the support surface, there appears to be no support for this feature in the original specification.

Regarding claims 263-270 and 296, this claim has the same issues that were presented above with respect to claim 231. There is no discussion in the specification of a second label or second labeling position as set forth in these claims.

Considering the size of the specification (35 pages) and the fact that there are 45 pages of drawings and 123 Figures, the examiner requests a clear indication where the support comes from for each of these claims, if such support exists. The rejection was

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made because the examiner could not locate the support on her own using the language the applicant used in the claims.

5. Claims 283-290 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicant has again failed to give an explanation of where the support for the "locator assembly" and "lift post" as set forth in claims 283 through 290 comes from. While the subject matter of the specification is not complicated, the size of the specification and varying embodiments that the applicant presents makes the application complex, especially considering there over 130 pending claims. Assistance in locating the support for the claims, particular Figures and numbers on those figures, is appreciated. In the remarks dated 01 December 2004, applicant merely states "[c]laim 283 is disclosed by post assembly 404, locator member 420, lift post 404, etc. Additionally, it is disclosed by post assembly 120, applicator body 104, locator assembly 320, 324, etc." These references numbers are in a variety of Figures and located in a variety of locations throughout the specification. Furthermore, this suggests that the post assembly and the lift post, both reference number 404, are the same portion of the applicator defined in claim 283. Clarification is required.

Considering the size of the specification (35 pages) and the fact that there are 45 pages of drawings and 123 Figures, the examiner requests a clear indication where the support comes from for each of these claims, if such support exists.

6. Claims 303-314 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which

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was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant states this claim contains the same features of claim 283, but has failed to point out support for claim 283. Please show where there is support for the label applicator as defined in claims 303-314. Figure numbers and reference to the features in the Figure is appreciated.

Considering the size of the specification (35 pages) and the fact that there are 45 pages of drawings and 123 Figures, the examiner requests a clear indication where the support comes from for each of these claims, if such support exists.

7. Claims 315-326 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant claims "label centering ring, a centering post, and a spindle extending up from a top surface of the centering post" and requires "the centering ring being movable in an opening in a center of the support surface and being concentric with the centering post." The applicant failed to point out where support for this "label centering ring" occurs in the specification. Please point out a Figure, including numerals, and a portion of the specification which shows this "label centering ring" and how the "label centering ring" is different than the centering post and the spindle also set forth in claim 315.

Considering the size of the specification (35 pages) and the fact that there are 45 pages of drawings and 123 Figures, the examiner requests a clear indication where the support comes from for each of these claims, if such support exists.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 232, 235, 236, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 232 recites the limitation "the support surface" in line 2. There is insufficient antecedent basis for this limitation in the claim. There is a "label support surface" defined in claim 231 and an "article support surface" defined as well. It is unclear which "support surface" the applicant is referring to. For examination purposes, the examiner has assumed the applicant is referring to the "label support surface."

11. Regarding claims 235 and 236, applicant presents "a second circle" in claims 235 and a "first circle" in claim 236, it is unclear from the specification what this first and second circle are and where it is located.

#### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 231, 232, 242-244, 248, 249, 291-294, are rejected under 35 U.S.C. 102(b) as being anticipate by Hummell (US Patent No. 5,951,819).

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Regarding claim 231, Hummell presents a label applicator including an applicator body (20) including a label support surface (21, 22); a post assembly (30, 35) extending up from a central area of the label support surface; the post assembly (30, 35) having a first effective diameter adapted to center a label (22) having a central opening in a label application position on the support surface with an adhesive face of the label disposed upwardly; engagement structure (28) positionable by a user between an operative position and an inoperative position, the engagement structure (28) when in the operative position extending generally above the label support surface; and the post assembly (30, 35) including an article support surface (38) adapted to support an article in a position such that the article can be pressed down and against the adhesive face of label.<sup>1</sup> (See Figures 1, 3, and 4.)

Regarding claim 232, the label support surface in Hummell includes a foam element (22) which results in that surface being generally above the engagement structure (28) when it is in its "inoperative" position. (See Figure 4.)

Regarding claims 242-244, the device of Hummell is capable of handling a CD, DVD, or disc.

Regarding claim 248, Hummell presents a label applicator including an applicator body (20) including a label support surface (21, 22); a post means (30, 35) extending up from a central area of the label support surface; centering means (28) positionable by a user between an operative position and an inoperative position, the centering means (28) when in the operative position extending generally above the label support surface; and the post means (30, 35) centering the label and including an article support surface (38)

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<sup>1</sup> Applicant is reminded that an examiner has a responsibility to give a claim its "broadest reasonably interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Furthermore, "[w]hile features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function." *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

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adapted to support an article in a position such that the article can be pressed down and against the adhesive face of label.<sup>2</sup> (See Figures 1, 3, and 4.)

Regarding claim 249, the centering means (28) extends below the label support when in an "operative" position.

Regarding claim 291, the post assembly in Hummell is capable of centering the label when the engagement structure is in an inoperative position.

Regarding claim 292, the centering means (28) outer surface is capable of engaging the opening of the label for aligning the label onto the applicator.

Regarding claim 293, again the post means (30, 35) engages the label for aligning it onto the applicator.

Regarding claim 294, the centering means (28) moves relative to the label support surface.

14. Claims 231 and 241 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwaller (US Patent No. 6,508,914 B1).

Regarding claim 231, Schwaller presents a label applicator including an applicator body (2) including a label support surface (2B); a post assembly (4) extending up from a central area of the label support surface; the post assembly (4) having a diameter adapted to center a label (12e) having a central opening in a label application position on the support surface with an adhesive face of the label disposed upwardly; engagement structure (3) positionable by a user between an operative position and an inoperative position, the engagement structure (3) when in the operative position extending generally above the label support surface; and the post assembly (4) including an article support surface (4f) adapted to support an article in a position such that the article can be pressed down and against the adhesive face of label. (See Figures 1 and 2B.)

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<sup>2</sup> The applicant did not define a structural feature which would distinguish their claim from the prior

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Regarding claim 241, the article support surface (4f) includes a plurality of outwardly-extending surfaces (4a).

15. Claims 231-234, 237-240, 242-244, 291, 327- are rejected under 35 U.S.C. 102(e) as being anticipated by Hummell et al. '113 (US Patent No. 6,660,113 B2).

Regarding claim 231, Hummell '113 presents a label applicator including an applicator body (20) including a label support surface (24); a post assembly (30, 32) extending up from a central area of the label support surface; the post assembly (30, 32) having a first effective diameter adapted to center a label (12) having a central opening in a label application position on the support surface with an adhesive face of the label disposed upwardly; engagement structure (36, 38) positionable by a user between an operative position and an inoperative position, the engagement structure (36, 38) when in the operative position extending generally above the label support surface; and the post assembly (30, 32) including an article support surface (92) adapted to support an article in a position such that the article can be pressed down and against the adhesive face of label. (See Figure 1.)

Regarding claim 232, the "inoperative" position is bellow the label support surface as seen in Figure 4.

Regarding claims 233 and 234, the engagement structure in Hummell '113 includes a plurality of posts (36, 38) which are movable as detailed above.

Regarding claim 237, the engagement structure of Hummell '113 (36, 38) is disposed radially outward from the post assembly. (See Figure 1.)

Regarding claim 238, the post assembly (30) is movable relative to the support surface. (See Figures 1 and 4.)

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art of Hummell, thus applicant's discussion of applying a second label does not distinguish their structure from the prior art structure.

Regarding claim 239, the size of the central openings of the label does not further limit the apparatus claim 231.<sup>3</sup>

Regarding claims 240 and 246, the article support (92) in Hummell '113 is a ridge or ledge.

Regarding claims 242-244, the device of Hummell '113 is capable of handling a CD, DVD, or disc.

Regarding claim 247, the engagement structure in Hummell '113 has a portion (36, 38, 40) which extends below the label support surface (24) when in an operative position.

Regarding claim 291, the post assembly in Hummell '113 is capable of centering the label when the engagement structure is in an inoperative position.

Regarding claim 327, Hummell '113 discloses a label applicator including a label support surface (24); a label application post assembly (30) at a central area of the support surface; the post assembly including an outer centering ring (36, 38) movable in an opening in the support surface; the post assembly further including a centering post (32) and a spindle (66) fixed to the centering post and extending up from a top surface thereof, the outer centering ring being concentric with the centering post; and a support ledge defined by the top surface of the centering post. (See Figures 1 and 2.)

Regarding claim 328, the centering ring (36, 38) is biased with a spring (94).

Regarding claim 329, the centering post (30) has a first effective diameter and the centering ring (36, 38) has a second effective diameter. The language of the claim discussing first and second label application amounts to functional language and fails to limit the structure of the label applicator of the claim.<sup>4</sup>

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<sup>3</sup> "Inclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 996, 25 USPQ 69 (CCPA 1935).

<sup>4</sup> While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

Regarding claim 330, the centering post (30) is adapted to center a label in a raised position.

Regarding claim 331, the centering ring (36,38) is capable of centering a second label as required by the claim.<sup>5</sup>

Regarding claims 332 and 333, the centering post (30) includes an article support ledge (92) which is adapted to support an optical disc whether for application to a second label or a first label.<sup>6</sup>

Regarding claim 334, "[e]xpressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 996, 25 USPQ 69 (CCPA 1935). Applicant's giving size to the openings of the labels (which are material worked upon) does not impart patentability to the apparatus claims.<sup>7</sup> Furthermore, one of ordinary skill would know to make the applicator capable of handling the label, thus appreciate the size of the label's opening must be known and foreseeable.

Regarding claim 335, while Hummell is designed for truncated labels, there is no reason it could not be used with a small round label. Again, the applicant is relying on material worked upon to distinguish an apparatus. Applicant must show a structural feature to distinguish their invention from the prior art.

Regarding claim 336, the limitations are set forth above.

Regarding claim 337, the centering ring (36, 38) is biased with a spring (94).

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<sup>5</sup> A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

<sup>6</sup> "[A]pparatus claims cover what a device *is*, not what a device *does*."(emphasis in original) *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) .

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Regarding claim 338, the centering post (30) has a first effective diameter and the centering ring (36, 38) has a second effective diameter. The language of the claim discussing first and second label application amounts to functional language and fails to limit the structure of the label applicator of the claim.

Regarding claim 339, the centering post (30) is adapted to center a label in a raised position.

Regarding claim 340, the centering ring (36,38) is capable of centering a second label as required by the claim.

Regarding claims 341 and 342, the centering post (30) includes an article support ledge (92) which is adapted to support an optical disc whether for application to a second label or a first label.

Regarding claim 343, "[e]xpressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 996, 25 USPQ 69 (CCPA 1935). Applicant's giving size to the openings of the labels (which are material worked upon) does not impart patentability to the apparatus claims. Furthermore, one of ordinary skill would know to make the applicator capable of handling the label, thus appreciate the size of the label's opening must be known and foreseeable.

Regarding claim 344, while Hummell is designed for truncated labels, there is no reason it could not be used with a small round label. Again, the applicant is relying on material worked upon to distinguish an apparatus. Applicant must show a structural feature to distinguish their invention from the prior art.

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<sup>7</sup> See MPEP §2115.

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Regarding claim 345, the limitations are set forth above.

Regarding claim 351, the limitations are set forth above. The centering ring (36, 38) is movable in an opening in a central area of the support surface. As can be seen in Figure 7, the central area with respect to the base (20).<sup>8</sup>

Regarding claim 352, fails to further limit claim 351 structurally. The device of Hummell is capable of performing the functional steps.

Regarding claim 353, the centering post (30) centers the label.

Regarding claim 354, the centering ring (38, 39) is adapted to center a label.

Regarding claims 355 and 356, the spindle extends and the top surface defines a support. The support is for truncated disc but would also be capably of handling a small round disc.

Regarding claim 357, the spindle is upwardly biased on the post (30).

Regarding claim 358, the post (30) is biased with a spring (94).

Regarding claims 359 and 360, the centering ring (38, 39) is movable and a portion is located below the support surface (24).

Regarding claim 361, the centering ring (36, 38) is biased with a spring (94).

#### ***Allowable Subject Matter***

16. Claims 250-255, 258-262, 271, 273-282, and 297-301 are allowed.
17. Claims 245, 256, 257, 295, and 346-350 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
18. The following is an examiner's statement of reasons for allowance:

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<sup>8</sup> "Central area" is defined by the examiner as being central with respect to the length-wise portion of the support surface. Applicant's claim is very general and allows for a broad interpretation.

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- a. Regarding claim 245, this claim in combination with independent claims requires a structure with pegs for engaging the label at a spaced distance from the post assembly. Barnet (US Patent No. 6,689,238 B2) discloses this feature, but the post assembly in Barnet does not have an engagement structure which is positionable between an operative and inoperative position as required by claim 1, furthermore, there is no reason or suggestion for including one in Barnet.
- b. Regarding claims 250-258, Barnet discloses a label applicator with an applicator body (16), a label support surface (22); a post assembly (18) extending up from a central area of the label support surface (22); first and second pairs of engagement members (20a, 20b) supported by the applicator body and spaced outward from the post assembly on opposite sides thereof. The label has a central portion having an adhesive face and a central hole and first and second tabs extending out from the central portion, each of the tabs having a pair of opposite side notches. Barnet does not disclose the post assembly having an article support surface, in Barnet the article is guided to the label by the post, there is not a place on the post to support the article such that it can be pressed down and against the face of the label as required by the claim. Nor is there a reason or suggestion for using a pair of engagement members in Barnet.
- c. Regarding claims 259-262, prior art does not teach using a label applicator with first & second pairs of engagement members which engage the label tabs. Barnet discloses a single peg as an engagement member, but there is no reason or suggestion for using a pair of engagement members as required by the claim.
- d. Regarding claims 271, 273-278, 297, and 298, these claims defines a post assembly which includes a centering post and an outer centering ring concentric with

the centering post where the post is movable in an opening in the centering ring.

This feature is not taught or suggested by the prior art.

e. Regarding claim 279, prior art does not teach or suggest using a flat spring and a coil spring in a label applicator as defined in the claim.

f. Regarding claims 280 and 299-301, claim 280 defines the structure substantially shown in Figure 81 of the applicant's specification. In particular the flex ribs which are positioned at outer, longitudinal edges as defined in the claim.

g. Regarding claim 281, prior art does not teach or suggest a pair of surface flaps coupled to the support surface as described in the claim and having a foam portion at the opening and compressible against the support surface in a label applicator.

h. Regarding claim 282, prior art does not teach or suggest a label applicator as defined in claim 282 where a post assembly includes a ring coupled to a foam sleeve and a cap capable of being screwed into and out of the foam sleeve.

i. Regarding claim 295, this claims requires the centering means move relative to the post means as defined in claims 248. This is similar to the feature defined in claims 271 & 273-278 and is not taught or suggested by the prior art.

j. Regarding claim 346-350, claim 346 requires the center post to be movable in an opening in the centering ring, there is no teaching of the feature in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis  
Primary Examiner  
Art Unit 1734

SP  
March 4, 2005